

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

KENNETH PRICE, #150784,)
a.k.a., KENNY PRICE,)
Petitioner,)
v.) CIVIL ACTION NO. 2:06-CV-236-WKW
J. C. GILES, et al.,)
Respondents.)

ORDER

On July 20, 2006, the respondents filed a supplemental answer (Court Doc. No. 22) in which they abandon their argument that Price may present his void indictment and unlawful sentence claims to the state courts in a Rule 32 petition and now argue that Price is procedurally defaulted on such claims for his failure to properly exhaust these claims in the state courts during the Rule 32 proceedings. Upon thorough review of the documents filed in this case, and for good cause, it is

ORDERED that on or before August 7, 2006 the respondents shall file a supplemental answer which (i) addresses whether Price raised these claims on direct appeal of his convictions, and (ii) whether, if Price did raise such claims during the direct appeal process, he properly exhausted the claims in the state courts so as to preserve them for review by this court.

DONE, this 21st day of July, 2006.

/s/ Susan Russ Walker
SUSAN RUSS WALKER
UNITED STATES MAGISTRATE JUDGE